

RECOMMENDED CHANGES TO CHAPTER 16.15 LCC – BHC Consultants – 6/22/2010

CURRENT LANGUAGE	PROPOSED LANGUAGE	NOTES
<p>16.15.010 Binding site plan option. In lieu of subdivision approval, a subdivider or developer of commercially or industrially zoned property may choose to request approval of a binding site plan pursuant to this chapter and RCW 58.17.035</p>	<p>16.15.010 Binding site plan option. In lieu of subdivision approval, a subdivider or developer of commercially or industrially zoned property may choose to request approval of a binding site plan pursuant to this chapter and RCW 58.17.035. <u>All development within Economic Development Urban Growth Areas established through subarea planning shall be approved through the binding site plan process.</u></p>	<p>Added provision for mandatory BSPs in Economic Development UGAs</p>
<p>16.15.020 Site plan requirement. Site plan review and approval is required prior to the use of land for the location of any commercial or industrial building.</p>	<p>16.15.020 Site plan requirement. Site plan review and approval is required prior to the <u>issuance of building permits</u> use of land for the location of any commercial or industrial building.</p>	<p>Added provision tying BSP approval as a condition for building construction.</p>
<p>16.15.030 Presubmission conference. Prior to applying for site plan approval, an applicant may request a presubmission conference. Such presubmission review shall not be binding upon either party.</p>	<p>16.15.030 Presubmission conference. A. Prior to applying for site plan approval <u>outside of Economic Development UGAs</u>, an applicant may request a presubmission conference. Such presubmission review shall not be binding upon either party. <u>B. Persons intending to submit applications for binding site plan approvals in Economic Development UGAs shall attend a preapplicationsubmission conference. The purpose of the conference is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the county may invite all affected jurisdictions, agencies and/or special districts to the preapplication meetingconference.</u> <u>The county shall provide a description of the requirements for a complete application; a general summary of the permit review procedures; references to the relevant code provisions or development standards that may apply to the proposal; and any other relevant information that the county may deem pertinent to the proposal. A record of the conference shall be prepared by the</u></p>	<p>Added provision for mandatory conferences for Economic Development UGA BSPs due to the scale and complexity involved.</p>

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	<p><u>county and made available to all attendees.</u></p> <p><u>It is not possible for the preapplicationsubmission conference to be an exhaustive review of all potential issues. The discussions at the meeting or the materials cited in this section shall not bind the county or prohibit the county's future application or enforcement of all applicable law.</u></p>	
<p>16.15.040 Application content. Each application for site plan approval shall contain ten copies of the following information:</p> <p>(1) The title and location of the proposed development;</p> <p>(2) The names, addresses, and telephone numbers of the applicant, of the owner of the site, of any architect, planner, designer, or engineer responsible for preparation of the plan, and of any authorized representative of the applicant;</p> <p>(3) The proposed use of the site and buildings;</p> <p>(4) The current zoning of the proposed development site and any other zoning within three hundred feet of the site;</p> <p>(5) Total area of the development site and of existing and proposed impermeable surfaces to an accuracy of one-hundredth acre;</p>	<p>16.15.040 Application content. Each application for site plan approval shall contain ten copies of the following information:</p> <p>(1) The title and location of the proposed development;</p> <p>(2) The names, addresses, and telephone numbers Contact information for of the applicant, of the property owner of the site, of any architect, planner, designer, or engineer responsible for preparation of the plan, and of any authorized representative of the applicant;</p> <p><u>(3) Title report (dated within the last 30 days).</u></p> <p><u>(4). Vicinity map of the area where the site is located.</u></p> <p><u>(5) SEPA environmental checklist.</u></p> <p>(6) The proposed use of the site and buildings;</p> <p>(7) The current zoning of the proposed development site and any other zoning within three hundred feet of the site;</p> <p>(8) Total area of the development site and of existing and proposed</p>	<p><i>Expanded the list of required submittal information.</i></p>

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<p>(6) The proposed number of units in the development;</p> <p>(7) The proposed area in square feet of existing and proposed gross commercial floor area;</p> <p>(8) A description of existing and proposed commercial or industrial uses;</p> <p>(9) A site plan drawing of one or more sheets at a scale of not less than one inch to 100 feet showing, at minimum:</p>	<p>impermeable surfaces to an accuracy of one-hundredth acre;</p> <p>(9) The proposed number of <u>residential</u> units in the development;</p> <p>(10) The proposed area, in square feet, of existing and proposed gross commercial <u>building</u> floor area;</p> <p>(8) A description of existing and proposed commercial or industrial uses;</p> <p>(11) A site plan drawing of one or more sheets at a scale of not less than one inch to 100 feet <u>stamped and signed by a registered engineer, architect, or land surveyor</u>, showing, at minimum:</p>	
<p>(a) The location of all existing and proposed structures, including buildings, fences, culverts, bridges, roads, and streets,</p> <p>(b) The boundaries of the property proposed to be developed,</p> <p>(c) All proposed and existing buildings and setback lines sufficiently accurate to ensure compliance with setback requirements,</p> <p>(d) Areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this title,</p> <p>(e) All existing and proposed</p>	<p>(a) The location of all existing and proposed structures, including buildings, fences, culverts, bridges, roads, and streets,</p> <p>(b) The boundaries of the property proposed to be developed,</p> <p>(c) All proposed and existing buildings and setback lines sufficiently accurate to ensure compliance with setback requirements, <u>and building heights in stories and feet.</u></p> <p>(d) Areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this title,</p> <p>(e) All existing and proposed easements,</p> <p>(f) The location of all existing and proposed utility structures and lines,</p> <p>(g) Existing and proposed stormwater retention, drainage, and treatment systems,</p> <p>(h) Means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets, and roads,</p>	

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<p>easements,</p> <p>(f) The location of all existing and proposed utility structures and lines,</p> <p>(g) Existing and proposed stormwater retention, drainage, and treatment systems,</p> <p>(h) Means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets, and roads,</p> <p>(i) The location and design of off-street parking areas, showing their size, locations of internal circulation, and parking spaces,</p> <p>(j) Landscaping location and type;</p> <p>(10) Contours of sufficient interval to indicate the topography of the entire tract for a sufficient distance beyond the boundaries of the proposed project, as follows:</p> <p>(a) Up to five percent slope - two foot contours,</p> <p>(b) Five percent and greater slope - five foot contours. [Ord. 1169, §1, VI, D, 2000]</p>	<p>(i) The location and design of off-street parking <u>and loading</u> areas, showing their size, locations of internal circulation, and parking spaces,</p> <p>(j) Landscaping location and type;</p> <p><u>(k) Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat, floodplains, and associated buffers as identified by a qualified critical area professional defined in LCC 17.35A.330.</u></p> <p><u>(l) Location of proposed monument signs</u></p> <p><u>(m) Fire hydrant locations</u></p> <p>(12) Contours of sufficient interval to indicate the topography of the entire tract for a sufficient distance beyond the boundaries of the proposed project, as follows:</p> <p>(a) Up to five percent slope - two foot contours,</p> <p>(b) Five percent and greater slope - five foot contours.</p> <p><u>(13) Proposed methods for off-site mitigation of environmental impacts and preservation of environmental priority areas, if any.</u></p> <p><u>(134) Any other information as required by the county shall be furnished, including, but not limited to, traffic studies, wetland reports, elevations, profiles, and perspectives, to determine that the application is in compliance with this code.</u></p> <p><u>Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.</u></p> <p><u>(154) Fees. The applicant shall pay the required fees as set forth in the county's fee schedule or other applicable resolutions or ordinances when submitting a</u></p>	

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	<u>binding site plan.</u>	
<p>16.15.050 Review.</p> <p>The site plan review committee shall include representatives of the community development department's planning and health department's environmental services divisions, the public works department (positions with stormwater management and traffic engineering expertise), and the Lewis County planning commission (the "committee"). The committee shall review the proposed site plan for compliance with the provisions of this chapter and other applicable laws and regulations. The committee may require additional information necessary for such review. The committee shall determine whether the proposed use is served and makes adequate provision for the public health and safety. The committee shall approve with or without conditions, deny or return the application to the applicant for modification or correction within 30 days, unless the committee makes written findings that a specific amount of additional time is needed for processing. The decision of the committee shall be final and subject to review under LCC 16.15.110. Applications shall not be deemed complete for purposes of review until all of the information in LCC 16.15.040 and such other information as may be requested by the committee has been submitted. All committee decisions</p>	<p>16.15.050 Review.</p> <p><u>The binding site plan application shall be reviewed by a</u> The site plan review committee shall includeing, but not limited to: representatives of the community development department's planning and health department's environmental services divisions, the public works department (positions with stormwater management and traffic engineering expertise), and the Lewis County planning commission (the "committee"). <u>The community development department shall chair the committee, shall coordinate communications with the applicant, and shall compile all the Committee's reports of findings and recommendations to the Hearings Examiner.</u> The committee shall review the proposed <u>binding site plan application</u> site plan for compliance with the provisions of this chapter and other applicable laws and regulations. The committee may require additional information necessary for such review. The committee shall determine whether the proposed use is served and makes adequate provision for the public health and safety. The committee may shall recommend approve with or without conditions, <u>denial</u> or return the application to the applicant for modification or correction within 30 days, unless the committee makes written findings that a specific amount of additional time is needed for processing. The decision of the committee shall be final and subject to review under LCC 16.15.110. Applications shall not be deemed complete for purposes of review until all of the information in LCC 16.15.040 and such other information as may be requested by the committee has been submitted. All committee decisions shall be submitted in writing.</p>	<p><i>Clarifying the role of the review committee, based on the assumption that approval will follow an open record public hearing by the Examiner and a closed record hearing by the BOCC similar to that described in LCC 16.05 Subdivisions.</i></p>

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shall be submitted in writing.		
<p>16.15.060 Findings and conclusions. A proposed binding site plan and any dedication shall not be approved unless the committee makes written findings that:</p> <p>(1) Appropriate provisions are made for the public health and safety, and for such open spaces and drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, and where applicable parks and recreation, playgrounds, schools and school grounds, sidewalks, and other features assuring safe walking conditions for students who only walk to and from school;</p> <p>(2) The public use and interest will be served by the platting of such binding site plan and any dedication;</p> <p>(3) The proposed binding site plan is in conformity with applicable zoning and other development regulations;</p> <p>(4) Public facilities impacted by the proposed binding site plan will be adequate and available to serve the binding site plan concurrently with the development of a plan to finance needed public facilities in time to assure retention of an adequate level of service;</p> <p>(5) The project is within an approved sewer</p>	<p>16.15.060 Findings and conclusions. A proposed binding site plan and any dedication shall not be approved unless the committee makes written findings that:</p> <p>(1) Appropriate provisions are made for the public health and safety, and for such open spaces and drainage ways, streets or roads, alleys, other public ways, <u>public transportation transit stops</u>, potable water supplies, sanitary <u>wastes sewer, stormwater facilities</u>, and where applicable, parks and recreation, <u>playgrounds, schools and school grounds</u>, sidewalks, and other features assuring safe walking conditions for students who only walk to and from school;</p> <p>(2) The public use and interest will be served by the <u>platting approval</u> of such binding site plan and any dedication;</p> <p>(3) The proposed binding site plan is in conformity with <u>the comprehensive plan</u>, applicable zoning and other development regulations;</p> <p>(4) Public facilities <u>required</u> impacted by the proposed binding site plan will be adequate and available to serve the <u>proposed uses</u> binding site plan concurrently with the development <u>phasing and financing of a plan to finance needed public facilities in time</u> to assure retention of an adequate level of service;</p> <p>(5) The project is within an approved sewer service area for projects on sewer, and adequate capacity exists or is planned with funding sources in place.</p>	<p><i>Clarification and amplification of necessary findings.</i></p>

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service area for projects on sewer, and adequate capacity exists or is planned with funding sources in place.		
	<u>16.15.065 Approval.</u> <i>Apart from the provisions of this section, the provisions for approval of preliminary and final plats in Chapter 16.05 shall apply to preliminary and final binding site plans.</i>	
16.15.070 Amendment. A site plan approved by the committee shall not be altered unless such amendment is approved by the committee. If such amendment is determined to be substantial, the committee may require that a new site plan be submitted. The committee shall not act on any amendment for at least 15 days to provide for a comment period following publication of notice of receipt of the amendment in the East County Journal and Centralia Chronicle to provide for a comment period. [16.15.070 Amendment. An site plan approved by the committee shall not be altered unless such amendment is approved by the committee. If such amendment is determined to be substantial, the committee may require that a new site plan application be submitted. Minor amendments may be approved by the department of community development if no significant changes to the size, scale, and intensity of the approved binding site plan are proposed. The committee shall not act on any amendment for at least 15 days to provide for a comment period following publication of notice of receipt of the amendment in the East County Journal and Centralia Chronicle to provide for a comment period.	Introduced the distinction between “minor” and “major” amendments and respective approval procedures.
16.15.080 Dedication. (1) The committee may require dedication of land to a public body and/or provision of public improvements to serve the binding site plan as a condition of binding site plan approval. Dedication shall be clearly shown on the plan. (2) A site plan shall not be finally approved until or concurrent with a dedication of any required rights-of-way, easements, and land	16.15.080 Dedication. (1) The committee may require dedication of land to a public body and/or provision of public improvements to serve the binding site plan as a condition of binding site plan approval. Dedication shall be clearly shown on the plan. (2) A site plan shall not be finally approved until or concurrent with a dedication of any required rights-of-way, easements, and land	By referencing 16.05 as recommended above, this provision is unnecessary here.
16.15.090 Development.	16.15.090 Development.	Clarified that final approval is necessary to proceed with sale

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<p>Development permits, including building permits, may be issued concurrently with site plan approval, but all such permits shall require a certificate of occupancy under the IBC for use and no such certificate shall be issued unless all dedications and public facilities and services necessary to serve the project and other improvements called for by the site plan are complete and have been accepted by the county, or adequately guaranteed for timely completion through bonds approved by the public works director.</p>	<p>Lot sales and development permits, including building permits, may be issued concurrently with <u>final binding</u> site plan approval, but all such permits shall require a certificate of occupancy under the IBC for use and no such certificate shall be issued unless all dedications and public facilities and services necessary to serve the project and other improvements called for by the <u>binding</u> site plan are complete and have been accepted by the county, or adequately guaranteed for timely completion through bonds approved by the public works director.</p>	<p><i>of lots and subsequent development.</i></p>
<p>16.15.100 Duration of approval. (1) Approval of a binding site plan shall be effective for a period of between two and ten years from the date of approval by the Committee on such terms and interim milestones as the Committee may deem appropriate. During this time the terms and conditions upon which approval was given will not be changed without the approval of the Committee.</p> <p>(2) Whenever a planned use of a land is to be implemented in phases over a period of more than three years, the applicant may submit an application requesting review and approval of a phased development plan. Approval may be granted for an extended period of development upon finding that such plan is of sufficient flexibility to vary with changing circumstances and that such approval is in the public interest. Such application shall outline and such approval</p>	<p>16.15.100 Duration of approval. (1) Approval of a binding site plan shall be effective for a period of <u>not more than between two and ten years</u> from the date of <u>final</u> approval by the Committee based on the proposed phasing plan and such terms and interim milestones as the Committee county may deem appropriate. During this time the terms and conditions upon which approval was given will not be changed <u>except as provided by 16.15.070.</u> without the approval of the Committee.</p> <p>(2) Whenever a planned use of a land is to be implemented in phases over a period of more than three years, the applicant may submit an application requesting review and approval of a phased development plan. Approval may be granted for an extended period of development upon finding that such plan is of sufficient flexibility to vary with changing circumstances and that such approval is in the public interest. Such application shall outline and such approval</p>	<p><i>Simplified the approval "life" provision</i></p>

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shall specify with particularity which aspects of the site plan are vested and which are subject to subsequent changes in county or other standards or regulations. The approval of such phased plan shall identify the duration of the approvals granted		
<p>16.15.110 Appeals.</p> <p>(1) Any decision of the Committee may be appealed to the hearing examiner within ten (10) days of the date of the written decision by the Committee in accordance with LCC 2.25.130. The hearing examiner may reverse or affirm wholly or in part the decision of the Committee. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court under Chapter 2.25 LCC. The cost of transcription of any records ordered certified for such review shall be borne by the applicant for such review.</p> <p>(2) In the event the Committee fails to issue a written decision in accordance with the requirements of 16.15.050, the applicant may, with 10 days written notice to the Committee, demand an open record public hearing on the application. Upon receipt of such demand, the Committee shall issue a final decision within 10 days or publish a 10-day notice of the public hearing for the next available hearings examiner date.</p>	<p>16.15.110 Appeals.</p> <p>(1) Any decision of the Committee may be appealed to the hearing examiner within ten (10) days of the date of the written decision by the Committee in accordance with LCC 2.25.130. The hearing examiner may reverse or affirm wholly or in part the decision of the Committee. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court under Chapter 2.25 LCC. The cost of transcription of any records ordered certified for such review shall be borne by the applicant for such review.</p> <p>(2) In the event the Committee fails to issue a written decision in accordance with the requirements of 16.15.050, the applicant may, with 10 days written notice to the Committee, demand an open record public hearing on the application. Upon receipt of such demand, the Committee shall issue a final decision within 10 days or publish a 10-day notice of the public hearing for the next available hearings examiner date.</p>	<p><i>Referencing the provisions of 16.05 here make this section unnecessary.</i></p>
<p>16.15.120 Design standards and improvements.</p>	<p>16.15.120 Design standards and improvements.</p> <p>All site plans are subject to and shall comply with those construction and facility</p>	<p><i>See 16.05</i></p>

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All site plans are subject to and shall comply with those construction and facility improvement standards set forth in county development standards.	improvement standards set forth in county development standards.	
<p>16.15.130 Increased public service standards, roads, sewer, water, stormwater.</p> <p>If a building or occupancy permit is sought after final site plan approval which would result in a greater density or different use than that approved for the original development, higher public services may be required as a result. The building permit shall not be granted until the public services serving the lot are built to the higher standard or an agreement and bond to guarantee such construction is accepted by the Committee.</p>	<p>16.15.130 Increased public service standards, roads, sewer, water, stormwater.</p> <p>If a building or occupancy permit is sought after final site plan approval which would result in a greater density or different use than that approved for the original development, higher public services may be required as a result. The building permit shall not be granted until the public services serving the lot are built to the higher standard or an agreement and bond to guarantee such construction is accepted by the Committee.</p>	See 16.05
<p>16.15.140 Waiver of standards and provisions.</p> <p>To invite innovative design, when a proposed site plan would conflict with any engineering standard or provision of the county development code pertaining to sewer, water, road, or stormwater standards, the Committee may modify such standard or provision upon finding that the proposal is consistent with sound engineering practices, the proposal will better serve the County interests than the county standards, and the county will not otherwise be harmed by the change. The Committee's decision to accept a change is discretionary.</p>	<p>16.15.140 Waiver of standards and provisions.</p> <p>To encourage invite innovative design, the committee shall review when a proposed site plan designs that would conflict with any adopted engineering standards for or provision of the county development code pertaining to sewer, water, road, or stormwater standards and the Committee may modify such standard or provision upon finding that the proposal is consistent with sound engineering practices, the proposal will better serve the County interests than the county standards, and the county will not otherwise be harmed by the change. The Committee's decision to accept a change is discretionary.</p>	Clean-up

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<p>16.15.150 Noncompliance with site plan.</p> <p>Development of the area subject to the approved site plan shall conform with the approved site plan. Any development, use, or density which fails to substantially conform to the site plan as approved by the Committee constitutes a violation of this chapter. The county may order stop work on any such violation and may decline to issue any approvals or permits within the plan area until the violation is corrected.</p>	<p>16.15.150 Noncompliance with site plan.</p> <p>Development of the area subject to the approved site plan shall conform with the approved site plan. Any development, use, or density which fails to substantially conform to the site plan as approved by the Committee constitutes a violation of this chapter. The county may order stop work on any such violation and may decline to issue any approvals or permits within the plan area until the violation is corrected.</p>	<p>See 16.05</p>
<p>16.15.160 Violation and penalties.</p> <p>Any person, firm, corporation, or association, or agent thereof, who violates any provision of this chapter shall be subject to the penalties in LCC 1.20.020 & -.040, and general provisions of Chapter 1.20 LCC.</p>	<p>16.15.160 Violation and penalties.</p> <p>Any person, firm, corporation, or association, or agent thereof, who violates any provision of this chapter shall be subject to the penalties in LCC 1.20.020 & -.040, and general provisions of Chapter 1.20 LCC.</p>	<p>See 16.05</p>
<p>16.15.170 Notice.</p> <p>The Community Development Department Director shall maintain a roster of pending cases and shall provide notice of any convening of the of the Committee and its agenda to a person who has requested such notice in writing.</p>	<p>16.15.170 Notice.</p> <p>The Community Development Department Director shall maintain a roster of pending cases and shall provide notice of any convening of the of the Committee and its agenda to a person who has requested such notice in writing.</p>	<p>See 16.05</p>
<p>16.15.180 Recording.</p> <p>Final binding site plans shall be recorded in the manner of and in the same format as a final plat</p>	<p>16.15.180 Recording.</p> <p>Final binding site plans shall be recorded in the manner of and in the same format as a final plat</p>	